

DOCKET NO.: MSFT-2569/305143.1
Application No.: 10/658,149
Office Action Dated: September 19, 2007

PATENT

REMARKS

This is a full and timely response to the non-final Office Action mailed September 19, 2007. Reconsideration and allowance of the application and presently pending claims are respectfully requested.

Present Status of Patent Application

Claims 1- 30 are pending in the present application. Specifically, claims 1-4, 6-24, and 26-30 are original unamended claims; and claims 5 and 25 have been currently amended without introduction of new matter. Reconsideration and allowance of the application and presently pending claims are respectfully requested.

Claim Objections

Statement of the Objections

Claim 5 should be dependent on claim 4 because claim 5 currently depends from claim 2 and call for "said datum", however, "said datum" lacks antecedent basis as claims 2 or 1 do not introduce "datum". Claim 4 provides antecedent basis for "datum", accordingly, claim 5 should depend from claim 4. This will be assumed for examination purposes.

Similarly, claim 25 should be dependent on claim 24...

Response to the Objections

Applicants have currently amended claims 5 and 25 to rectify the oversight described in the Office action. In light of the amendments, Applicants respectfully request withdrawal of the objections to claims 5 and 25.

Claim Rejections under 35 U.S.C. §102

Statement of the Rejection

Claims 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 23, 24, 25, 26, 27, 29, 30 are rejected under 35 U.S.C. 102(b) as being anticipated by Auerbach et al. (US 5,673,316), hereinafter Auerbach.

Response to the Rejection

Claim 1

As is known, a proper rejection under 35 U.S.C § 102 necessitates that the cited prior art reference must teach every aspect of the claimed invention with no question of obviousness being present. Applicants respectfully traverse the current rejection of claim 1 under 35 U.S.C § 102 because the Office action fails to properly disclose in Auerbach each element of Applicants' claim 1.

For example attention is drawn to that portion of the Office action which alleges that Auerbach's "*Column 6, lines 15-27, "terms and conditions" and also a list of keys for all encrypted parts as disclosed at Column 6, lines 1-5)*" anticipates a portion of Applicants' claim 1 that pertains to a manifest "comprising one or more rules governing what may be loaded into an address space of the software object." However, Applicants respectfully submit that the cited portions of Auerbach make no mention of addresses, let alone an "address space" as pertinent to Applicants' claim 1.

Applicants have described various aspects related to the manifest, as well as to a corresponding address space, in their original disclosure. For example, paragraph [0017] includes: "*One type of attack on a secure computing environment is to load a rogue module into the address space of an executing program. Thus, a measure of computer security can be achieved by limiting what can be loaded into a program's address space. A manifest can be used to specify what may be loaded into a process's address space*" (Emphasis added).

The specification provides additional details on this "address space." Some pertinent text is reproduced below (with emphasis added to certain portions):

[0029] Software 202 is a piece of executable code (e.g., an application program, etc.) that may execute on a computer, such as computer 110 (shown in FIG. 1). When software 202 executes, an address space 204 is provided to software 202. **Address space 204 is a region of memory that is available for use by software 202 while software 202 is executing.** Address space 204 is provided by the operating system, or other runtime environment, under which software 202 executes. For example, on an INTEL x86 processor running one of the MICROSOFT WINDOWS operating systems, **address space 204 typically contains the code for software 202 itself, as well as any data used by software 202, and any auxiliary code modules (e.g., dynamic-link libraries (DLLs)) that software 202 uses while it executes.**

[0030] It will be appreciated that one feature of address space 204 is that any code module loaded into address space 204 will have access to any code or data that is

in address space 204. If an untrustworthy code module is loaded into address space 204, that code module could modify software 202, or data used by software 202, and thereby cause software 202 to behave in an unintended or unexpected manner. This unintended behavior could be used for nefarious purposes - e.g., if software 202 manages secret cryptographic keys that are used to protect valuable information, a rogue code module loaded into address space 204 could modify software 202 in such a manner that the keys would be divulged. Thus, **some measure of security can be provided by limiting what code modules can be loaded into the address space 204 used by software 202.**

The description above corresponds to Applicants' FIG. 2 which illustrates a manifest 206 (generally embodied as a file) that defines or limits which code modules may be loaded into address space 204 - i.e. **what** (modules) can be loaded **where** (address space).

In contrast, the cited portions of Auerbach describe certain elements (fingerprinting and watermarking instructions 205, pricing matrix 206, list 209 etc.) that are contained inside Auerbach's cryptographic envelope. Consequently, Applicants respectfully assert that Auerbach's disclosure shows **what** are contained inside an envelope but **not where** these contents are to be loaded in terms of **an address space**, or in other words, **what can be loaded into an envelope but not what can be loaded into a specific address space.**

At least for the reasons described above, Applicants respectfully submit that the rejection fails to satisfy the requirements necessary for a proper rejection under 35 U.S.C. 102(b) and hereby request withdrawal of the rejection followed by allowance of claim 1.

Claims 2-10

Applicants respectfully assert that claims 2-10 are allowable for several reasons and certain remarks pertaining to some of these claims are provided below. Nonetheless, Applicants further assert that claims 2-10 are also allowable as a matter of law arising from direct or indirect dependency on allowable independent claim 1. *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988). Therefore, for at least this reason, Applicants respectfully request withdrawal of the rejection followed by allowance of claims 2-10.

Additional remarks pertaining to some claims amongst claims 2-10

Claim 3

In rejecting Applicants' claim 3, the Office action asserts that Applicants' "...one or more modules may be loaded into the address space of the software object" is disclosed in Auerbach's "Column 6, lines 12-14, "Include in the cryptographic envelope clear text parts

such as “teasers”, abstract, and a table of content 201.” Applicants respectfully traverse this assertion. In Auerbach’s col. 6, lines 30-48, certain details pertaining to distribution and use of his cryptographic envelope are disclosed. Specifically, it is disclosed that the cryptographic envelope is distributed to a user who can browse the plain text “teaser” 201 portion of the envelope and then decide if he/she wishes to purchase a part encryption key (PEK).

Applicants respectfully submit that Auerbach’s clear text teaser (located inside his envelope) which is directed to encouraging the purchase of a PEK (for accessing encrypted material inside his envelope) bears no relevance to Applicants’ claim 3 incorporating “a specification” for generating a manifest that is then used for identifying a particular “acceptable” module that may be loaded into a particular address space.

Claim 4

In rejecting Applicants’ claim 4, the Office action asserts that “*it is implied that this information (as disclosed in Auerbach Column 5, lines 63-67) needs to be delivered to the envelope creator and can be interpreted as a specification identifying one or more modules may not be loaded into the address space of the software object [encrypted parts].*”

Applicants respectfully traverse such a conclusion especially in connection with a rejection under 35 U.S.C. 102(b) where no question of obviousness must be present. A further impropriety in the Office action assertion lies in the fact that assuming *arguendo* that Auerbach does indeed incorporate providing information pertaining to one particular module amongst several modules (claim 4 cites “one of said one or more modules”) it is improper to presume that this information pertains to a module that that may **not** be loaded and more specifically **not loaded into a particular address space**.

Claim 8

The remarks made above with reference to claim 4 are equally pertinent to this claim and will not be repeated herein.

Claim 12

Claim 12 is directed to a computer-readable medium and cites claim elements that are different from those of claim 1. However, both claims 1 and 12 incorporate “an address space” and certain remarks pertaining to this aspect (which are provided above in response to the rejection of claim 1) are equally pertinent to claim 12 as well. In the interests of brevity

these remarks will not be repeated herein. Applicants respectfully traverse the rejection of claim 12 and respectfully request withdrawal of the rejection followed by allowance of the claim.

Claims 13-16

Applicants respectfully assert that claims 13-16 are allowable for several reasons. Nonetheless, claims 13-16 are also allowable as a matter of law arising from dependency on allowable independent claim 12. Therefore, for at least this reason, Applicants respectfully request withdrawal of the rejection followed by allowance of claims 13-16.

Claim 17

Claim 17 is a method claim that includes claim elements that are different from those of claim 1. However, both claims 1 and 12 incorporate “an address space” and certain remarks pertaining to this aspect (which are provided above in response to the rejection of claim 1) are equally pertinent to claim 12 as well. In the interests of brevity these remarks will not be repeated herein. However, Applicants respectfully draw attention to some portions of the rejection (“it is implied” “can be interpreted” etc) that fail to satisfy the requirements for a satisfactory rejection under 35 U.S.C. § 102(b).

Applicants respectfully traverse the rejection of claim 12 and request withdrawal of the rejection followed by allowance of the claim.

Claims 18-21

Applicants respectfully assert that claims 18-21 are allowable for several reasons. Nonetheless, claims 18-21 are also allowable as a matter of law arising from direct or indirect dependency on allowable independent claim 17. Therefore, for at least this reason, Applicants respectfully request withdrawal of the rejection followed by allowance of claims 18-21.

Claim 23

Claim 23 is directed to a system for generating a manifest and cites claim elements that are different from those of claim 1. However, both claims 1 and 23 incorporate “an address space” and certain remarks pertaining to this aspect (which are provided above in response to the rejection of claim 1) are equally pertinent to claim 23 as well. In the interests of brevity these remarks will not be repeated herein. Applicants respectfully traverse the rejection of claim 23 and respectfully request withdrawal of the rejection followed by

allowance of the claim.

Claims 24-27 and 29-30

Applicants respectfully assert that claims 24-27 and 29-30 are allowable for several reasons. Nonetheless, claims 24-27 and 29-30 are also allowable as a matter of law arising from dependency on allowable independent claim 23. Therefore, for at least this reason, Applicants respectfully request withdrawal of the rejection followed by allowance of claims 24-27 and 29-30.

Claim Rejections under 35 U.S.C. § 103

Statement of the Rejection

Claims 11, 22 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Auerbach in view of Watanabe et al. (US 2002/018041 A1), hereinafter Watanabe.

Response to the Rejection

Claim 11

Applicants respectfully traverse the rejection of claim 11 for several reasons. However, Applicants opt not to elaborate upon these reasons at this time. Nonetheless, Applicants respectfully submit that claim 11 is allowable as a matter of law arising from dependency on allowable independent claim 1. Therefore, for at least this reason, Applicants respectfully request withdrawal of the rejection followed by allowance of claim 1.

Claim 22

Applicants respectfully traverse the rejection of claim 22 for several reasons. However, Applicants opt not to elaborate upon these reasons at this time. Nonetheless, Applicants respectfully submit that claim 22 is allowable as a matter of law arising from dependency on allowable independent claim 17. Therefore, for at least this reason, Applicants respectfully request withdrawal of the rejection followed by allowance of claim 22.

Claim 28

Applicants respectfully traverse the rejection of claim 28 for several reasons. However, Applicants opt not to elaborate upon these reasons at this time. Nonetheless, Applicants respectfully submit that claim 28 is allowable as a matter of law arising from indirect dependency on allowable independent claim 23. Therefore, for at least this reason, Applicants respectfully request withdrawal of the rejection followed by allowance of claim

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28.

Prior Art Made of Record

The prior art made of record has been considered, but is not believed to affect the patentability of the presently pending claims.

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CONCLUSION

It is requested that the forgoing amendments, arguments, and remarks be entered, and in view thereof, it is respectfully submitted that this application is in condition for allowance. Reconsideration of this application and an early Notice of Allowance are respectfully requested. In the event that the Examiner cannot allow this application for any reason, the Examiner is encouraged to contact the undersigned attorney to discuss resolution of any remaining issues.

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/Joseph F. Oriti/
Joseph F. Oriti
Registration No. 47,835

Woodcock Washburn LLP
Cira Centre
2929 Arch Street, 12th Floor
Philadelphia, PA 19104-2891
Telephone: (215) 568-3100
Facsimile: (215) 568-3439